

The opinion in support of the decision being entered today was **not** written for publication and is **not** binding precedent of the Board.

Paper No. 30

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DIRK CRAMER

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Appeal No. 2003-0595  
Application No. 09/294,354

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HEARD: July, 16, 2003

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Before ABRAMS, STAAB, and BAHR, Administrative Patent Judges.  
ABRAMS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1, 2, 7-12, 18-22, 28-33 and 39-42. Claims 43-46 have been allowed and claims 3-6, 13-17, 23-27 and 34-38 have been indicated as containing allowable subject matter.<sup>1</sup>

We REVERSE.

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<sup>1</sup>The status of the claims can be discerned from Papers No. 14 and 23, as confirmed by the index of claims on the inside of the file wrapper.

### BACKGROUND

The appellant's invention relates to a roll winding device. An understanding of the invention can be derived from a reading of exemplary claim 1, which has been reproduced below.

The prior art references of record relied upon by the examiner in rejecting the appealed claims are:

|                                         |           |               |
|-----------------------------------------|-----------|---------------|
| Schönmeier <u>et al.</u> (Schönmeier)   | 5,478,026 | Dec. 26, 1995 |
| Raudaskoski <u>et al.</u> (Raudaskoski) | 5,492,287 | Feb. 20, 1996 |
| Krüger <u>et al.</u> (Krüger)           | 5,848,760 | Dec. 15, 1998 |

The standing rejections before us are:

- (1) Claims 1, 2, 7-12, 18-22, 28-33 and 39-42 under 35 U.S.C. § 103(a) as being unpatentable over Raudaskoski in view of Krüger.
- (2) Claims 7, 18 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Raudaskoski in view of Krüger and Schönmeier.

Rather than reiterate the conflicting viewpoints advanced by the examiner and the appellant regarding the above-noted rejections, we make reference to the Answer (Paper No. 23) for the examiner's complete reasoning in support of the rejections, and to the Supplemental Brief (Paper No. 19) and Reply Brief (Paper No. 24) for the appellant's arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to the appellant's specification and claims, to the applied prior art references, and to the respective positions articulated by the appellant and the examiner. As a consequence of our review, we make the determinations which follow.

The appellant's invention is directed to improvements in roll winding machinery in which first and second column devices that support the rolls are connected to each other in the lateral direction by a cross bar, and the cross bar comprises the sealing box that is disposed underneath the winding bed, which is furnished with pressurized air to generate an air cushion under the rolls. According to the appellant, the use of the sealing box as a strengthening cross bar simplifies the structure while providing sufficiently high mechanical stability to absorb the stresses generated during the operation of the winding machine. The invention is recited in claim 1 in the following manner:

1. A roll winding device, comprising a winding bed and at least one support device comprising at least one carrying roll having a first end and a second end and a longitudinal axis disposed in a lateral direction with respect to a direction of travel of a web, in a machine frame comprising a column device at each of the two ends of the carrying roll, said column devices being connected to each other in the lateral direction by at least one cross bar, at least one cross bar comprising a sealing box that is disposed underneath the winding bed.

Claims 1, 2, 7-12, 18-22, 28-33 and 39-42 stand rejected under 35 U.S.C.

§ 103(a) as being obvious<sup>2</sup> in view of the combined teachings of Raudaskoski and Krüger. Looking first to independent claim 1, although Krüger has been cited along with Raudaskoski, as we understand the rejection of this claim it is the examiner's view that Raudaskoski discloses all of the subject matter claimed, except Raudaskoski "may not disclose a column device, although the appellant's broad language suggests that the phrase 'column device' should be read broadly," but in any event it would have been obvious to one of ordinary skill in the art "to provide either a column device or a foundation to be connected by the cross member comprising a sealing box, since either results in a rigid machine frame" (Answer, pages 3 and 4).<sup>3</sup> Among the appellant's arguments is that Raudaskoski fails to disclose or suggest a crossbar comprising a sealing box and connecting together column devices on each end of the rolls. We agree with the appellant on this point.

In the embodiment shown in Figures 3 and 4, to which the examiner has referred, Raudaskoski discloses a roll winding device comprising a pair of carrying rolls

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<sup>2</sup>The test for obviousness is what the combined teachings of the prior art would have suggested to one of ordinary skill in the art. See, for example, In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981). In establishing a prima facie case of obviousness, it is incumbent upon the examiner to provide a reason why one of ordinary skill in the art would have been led to modify a prior art reference or to combine reference teachings to arrive at the claimed invention. See Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Int. 1985). To this end, the requisite motivation must stem from some teaching, suggestion or inference in the prior art as a whole or from the knowledge generally available to one of ordinary skill in the art and not from the appellant's disclosure. See, for example, Uniroyal, Inc. v. Rudkin-Wiley Corp., 837 F.2d 1044, 1052, 5 USPQ2d 1434, 1439 (Fed. Cir.), cert. denied, 488 U.S. 825 (1988).

<sup>3</sup>Krüger has been applied for its teaching of utilizing a reel cutter in combination with a roll winding machine, a requirement that is present only in claims 7, 18 and 28.

11 and 12 which support a winding roll 13. The winding rolls are rotatable on shafts supported by bearing housings 22, which are positioned on “foundation[s] 17” (column 4, lines 6 and 7). A concrete cutter well “generally made of concrete, steel, or equivalent material” (column 3, lines 51 and 52) contains a sealing box (sealing chamber) 150, which is located beneath the carrying rolls, and air under pressure is supplied thereto in order to at least partially support the winding roll. The sealing box is supported by a pair of support beams 23, and may be movable laterally with respect to the carrying rolls (column 4, line 40 et seq.). The support beams and the foundations appear to rest on the ground. There is no explicit disclosure of any interconnection between the support beams, the foundations, the bearing housings, and the sealing box, and no such interconnection is apparent from the drawings.

Contrary to the position apparently taken by the examiner, it is our opinion that even if one considers, arguendo, that foundation 17 and bearing housing 22 constitute the claimed “column device at each of the two ends of the carrying roll,” Raudaskoski fails to disclose or teach the requirement in claim 1 that the column devices are “connected to each other in the lateral direction by at least one cross bar,”<sup>4</sup> much less that the cross bar comprises “a sealing box.” We view the examiner’s conflicting conclusion to be grounded in speculation, in that there is no evidence in the

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<sup>4</sup> The common applicable definition of “connected” is “linked together.” See, for example, Webster’s New Collegiate Dictionary, 1973, page 240.

reference to support it. This deficiency in Raudaskoski is not overcome by considering the teachings of Krüger. Thus, the combined teachings of the references applied against claim 1 fail to establish a prima facie case of obviousness with regard to the subject matter recited in the claim, and the rejection of claim 1 and the claims dependent therefrom cannot be sustained.

We reach the same result, for the same reason, with regard to independent claims 8, 19 and 29 and the appended dependent claims, all of which require that supporting structures be connected together by means comprising a sealing box.

Claims 7, 18 and 28 further stand rejected as being unpatentable over Raudaskoski in view of Krüger and Schönmeier. These claims add a reel cutter to the roll winding device and method recited in the independent claims. Although in the other rejection the examiner cited Krüger against these same claims for its teaching of utilizing a reel cutter, he now adds Schönmeier for the same purpose. Be that as it may, Schönmeier also fails to alleviate the shortcoming in Raudaskoski pointed out above, and we therefore will not sustain this rejection of claims 7, 18 and 28.

#### CONCLUSION

Neither rejection is sustained.

The decision of the examiner is reversed.

NEAL E. ABRAMS  
Administrative Patent Judge

LAWRENCE J. STAAB  
Administrative Patent Judge

JENNIFER D. BAHR  
Administrative Patent Judge

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